Remarks

Amendment and cancellation of claims: On pages 2-4 of this paper, in the listing of Claims, Applicants request amendment of specific claims and cancellation of other claims in response to the Examiner's rejection of the Claims of Group II, with the exception of Claim 35. The following remarks discuss the amendments and cancellations with the intent of demonstrating to the Examiner that the Claims remaining in the case, as amended, are now in condition for allowance.

Rejection of Claims 23, 29, 33, 36-40, 44, 46, 47, 49-52 and 99-105 under 35 USC 112 second paragraph:

Applicants accede to the Examiner's reasoning behind the rejection of Claims 23, 29, 33, 36-40, 44, 46, 47, and 49-52 and have, through this paper, canceled these claims.

Further, based on the allowance of Claim 35, Applicants have amended Claim 99 to eliminate the indefinite recitations of the Claim as originally filed and as previously amended. As a result of this amendment, Applicants have also canceled Claim 101. Claim 102, as previously amended, is currently amended to correct the typographical error in the phrase "kit of Claim—(Claims) 99". These amendments contain no new matter.

Rejection of Claims 29 and 33 under 35 USC 102 (b) as anticipated by Lees-Miller et al. (1992) and rejection of Claim 23 under 35 USC 102 (b) as anticipated by Lam 35 al.:

These Claims are canceled in this paper.

Summary

Cancellation of Claims:

Via this Amendment, in combination with the previous amendment, Claims 1-34, 36-52, 53-98, 101 and 106-111 are now canceled.

Claims Remaining in the Application:

Claim 35, noted in the Office Action as allowed.

Amended Claim 99: The Applicants request reconsideration of Claim 99 as currently amended as it now recites the peptides of the allowed Claim 35. As a result of this amendment, Applicants further request reconsideration and withdrawal of the rejection of the remaining Claims depending from it, i.e., Claims 100, and 102-105.

In light of the above Amendments and Remarks, applicants respectfully submit that the instant application is now in condition for allowance and solicit a timely notice of allowance.

Respectfully submitted,

Thurl

Christine L. Brakel Agent for Applicants

Registration No. 45,772

Date: April 2, 2004

Christine L. Brakel
Patent Agent
Brookhaven National Laboratory
Bldg. 475D
P.O. Box 5000
Upton, New York 11973-5000
(631) 344-7134